IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO. 4970 OF 2004
IN
CRIMINAL APPEAL NO.1196 OF 2003

Kundan Eknath Lonkar ..Applicant
(Org. Accd. No.2)

Vs.

The State of Maharashtra ..Respondent

Ms. Pranali Kakade for the applicant.
Mr. D.P. Adsule, APP for State.

CORAM : S.S. PARKAR, J.

Date : December 22, 2004.

P.C.:

1. Heard both sides. This is second application made on behalf this applicant on merits for his release on bail pending the hearing of the appeal. The applicant along with other accused was convicted for offence under Section 307 of IPC and sentenced to five years' imprisonment. He had assaulted PW 2 with sickle on his parietal and occipital regions. His earlier application for bail was rejected by my order dated 14th October, 2003, inter alia, on the ground that he was hardly in custody for a period of three months as he was on bail during trial.

2. It is contended on behalf of the applicant

that original accused no.1 who had also assaulted the injured witnesses with a sword on the cheek was released on bail by the order dated 26th October, 2004 by this court in Criminal Application No.1681 of 2004 in Criminal Appeal No.152 of 2004 and that now this applicant is in custody for a period of more than one year and four months. Though by my earlier order of 14th October, 2003 I had expedited the hearing of the appeal, the appeal paper book is not yet ready and there is no prospect of the appeal being heard in near future. In the circumstances, it is desirable to release this applicant on bail.

3. In the result, this application is allowed and the applicant is directed to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up the amount on the condition that he shall report to the concerned police station once in a fortnight.

(S.S. Parkar, J.)